

## **REMARKS/ARGUMENTS**

### **In the Claims:**

Claims 1-12 remain pending in the present application.

### **Rejection of Claims 1-4 and 7 Under 35 U.S.C. § 102(b)**

The Examiner rejected claims 1-4 and 7 under 35 U.S.C. § 102(b) as being anticipated by Frankfurt (US 5,941,034). Applicant has amended claim 1 to more clearly distinguish the differences between Frankfurt and the present invention. The rejection is respectfully traversed.

Building codes do not allow crossing a property line with a building that will be separately titled from a building built on the adjacent property lot. When large apartment complexes are built there is one large lot involved in the title transfer. Frankfurt teaches an apartment building in which a two-story apartment is over-laid on top of a first floor apartment located adjacent a breezeway. One of the unique aspects of the present invention is the fact that the housing unit is built upon two property lots. This allows the lot and the home to be deeded to two individual owners. The land upon which an apartment building is built is not deeded to the renter and no land transfer deed is executed when a lease is signed.

The claim, as now written, clearly distinguishes between an apartment building and the present invention and Applicant kindly requests that this rejection be withdrawn.

Rejection of Claims 1-12 Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-12 under 35 U.S.C. § 102(b) as being anticipated by Jenn (US 4,685,260). As Applicant does not believe Jenn to teach the subject matter of claims 1-12, the rejection is respectfully traversed.

Independent claims 1 and 9 have been amended to more clearly distinguish the present invention from the prior art. Similar to Frankfurt, Jenn teaches a multi-unit housing unit. Current code does not permit the building of a structure across a property lines (or even within so many feet of the property line). Jenn teaches an arrangement of four dwelling units enclosing an open-air court. There is no building across property lots and no division of common space across property lots disclosed in Jenn. Jenn does not teach or suggest the present invention. Applicant requests that this rejection be properly withdrawn.

**CONCLUSION**

Applicant has distinguished the subject matter of the present invention over the teachings of the references cited as prior art by the Examiner.

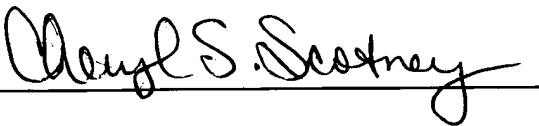
Therefore, Applicant respectfully submits that the present application is now in condition for allowance, and entry of the present amendment and allowance of the application as amended is earnestly requested. Telephone inquiry to the undersigned in order to clarify or otherwise expedite prosecution of the present application is respectfully encouraged.

Respectfully submitted,

Response to Office Action of: January 14, 2005  
Response Dated: February 23, 2005  
Title: DIRECTED LIFESTYLE RESIDENTIAL HOUSING STRUCTURES

App. No.: 10/664,526  
Inventor: Robert J. Apel  
Group Art Unit: 3626

Date: 2/23/05

By: 

Cheryl S. Scotney  
Registration No. 46,218  
Standley Law Group LLP  
495 Metro Place South, Suite 210  
Dublin, Ohio 43017-5319  
Telephone: (614) 792-5555  
Facsimile: (614) 792-5536  
E-mail: [cscotney@standleyllp.com](mailto:cscotney@standleyllp.com)